1964 No. 704

ANIMALS

DISEASES OF ANIMALS

The Exported Animals Protection Order 1964

Made - - - -	*7th May* 1964
Coming into Operation	*8th June* 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 1, 20, 23 and 85 of the Diseases of Animals Act 1950(a), and section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(b), and of all other powers enabling them in that behalf, hereby order as follows :—

Citation, commencement and revocation

1.—(1) This Order, which may be cited as the Exported Animals Protection Order 1964, shall come into operation on 8th June 1964.

(2) The Exported Cattle Protection Order 1957(c), and the Exported Cattle Protection (Amendment) Order 1957(d) are hereby revoked.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

" the Act " means the Diseases of Animals Act 1950, as amended or extended by any other enactment;

" animals " means cattle, sheep and swine;

" approved premises " has the meaning assigned to it by Article 3(1) of this Order;

" cattle " means bulls, cows, oxen, heifers and calves;

" inspector " means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority and, when used in relation to a person appointed by the Minister, includes a veterinary inspector;

" local authority " means a local authority for the purposes of the Act;

" master " includes any person having the charge or command of a vessel, except the pilot;

" Minister " and " Ministry " means the Minister and Ministry of Agriculture, Fisheries and Food respectively;

" pilot ", in relation to an aircraft, means the pilot or other person having the command or charge of the aircraft;

" rest period " has the meaning assigned to it by Article 3(2) of this Order.

(a) 14 Geo. 6. c. 36.
(b) 2 & 3 Eliz. 2. c. 39.
(c) S.I. 1957/170 (1957 I, p. 152).
(d) S.I. 1957/1254 (1957 I, p. 156).

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

Provisions for the purposes of protecting exported animals from unnecessary suffering during carriage by sea or air

3.—(1) No person shall ship or cause or permit to be shipped, any animals by sea or by air from any place in Great Britain to any place outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, unless immediately before being loaded in the vessel or aircraft in which they are to be carried, they have been rested by detention for the rest period defined by the succeeding paragraph of this Article on premises (hereinafter referred to as " approved premises ") which are :—

(*a*) at or near the place of loading ;

(*b*) provided with suitable protection against the weather ; and

(*c*) approved in writing for that purpose, in England and Wales by the Minister or in Scotland by the Secretary of State, which approval may be granted subject to such conditions as to the duration of the approval and otherwise as the Minister or Secretary of State may see fit to impose, and in particular subject to a condition (in addition to the limitations contained in Article 4(*b*)(v) hereof) limiting the total number of each species of animal to be rested on the premises at any one time.

(2) The rest period shall be a period of not less than ten hours which shall include at least three consecutive hours between sunrise and sunset, and shall commence in respect of any animals detained on approved premises in any pen or enclosure at the time of entry into such pen or enclosure of the last animal of the group to be rested therein :

Provided always that if during the rest period of any animals, other animals are introduced into the pen or enclosure where animals already resting are detained, then the rest period of the animals already detained therein shall be deemed to have commenced at the time of the entry of the last of the animals so introduced.

Conditions of use of premises for detention

4. No person having the charge or control of any approved premises shall use them or cause or permit them to be used for the rest period of any animals—

(*a*) except in accordance with such conditions, if any, as the Minister or Secretary of State may have attached to his approval of the premises, and

(*b*) unless during the whole of the rest period of any animals—

(i) sufficient clean bedding is provided ;

(ii) an adequate supply of wholesome and palatable food suitable for each species of animal being rested is provided on the premises and is placed in racks or troughs in the case of cattle or sheep or in troughs in the case of swine which are easily accessible to the animals and are such as by their number and dimensions enable all the animals to eat simultaneously ;

(iii) an adequate supply of water is provided on the premises and is contained in water troughs which are easily accessible to the

(a) 52 & 53 Vict. c. 63.

animals and are such as by their number and dimensions enable not less than one tenth of the number of each species of animal to drink simultaneously;

(iv) all animals, other than animals being detained in accordance with the provisions of this Order or of any licence granted thereunder, are excluded from the premises;

(v) animals of different species are not detained in the same pen or enclosure, and not more than forty cattle or forty swine or one hundred sheep are detained together in any one pen or enclosure;

(vi) the animals are supervised by experienced and competent stock men;

(vii) separate detention pens are provided on the premises for the purpose of segregating animals which are ailing or which disturb other animals detained on the premises;

(viii) all reasonable facilities are afforded to an inspector or to any constable for the examination of the animals and the observation of their treatment during detention.

Notification of arrival at approved premises

5. It shall be the duty of the person having charge of any approved premises—

(*a*) to notify to an inspector of the Ministry the anticipated time of arrival of any consignment of animals to be rested therein, such notification to be given not more than forty-eight and not less than twelve hours before such anticipated time of arrival, and

(*b*) to notify with all practicable speed to an inspector of the Ministry and to the local authority at the commencement of the rest period of any consignment of animals—

(i) the number of each species of animal in the consignment;

(ii) the actual time of its arrival on the approved premises; and

(iii) the place from which it was despatched.

Certificate of detention to be produced on loading

6.—(1) It shall be unlawful to load into any vessel or aircraft any animal required to be rested under this Order unless at the time of loading it is accompanied by a valid certificate signed by a veterinary inspector stating that he examined the animal at the approved premises specified in the certificate and found it fit to be shipped, to which certificate is appended a statement signed by the person having charge of the approved premises on which the animal was rested to the effect that it was detained there throughout the whole of the rest period specified in the statement.

(2) A certificate issued by a veterinary inspector under the provisions of the preceding paragraph of this Article shall specify the date and time of the examination made by the inspector and shall cease to be valid for the purposes of this Article after the expiry of eighteen hours from the time of the examination specified therein.

(3) Such certificate and statement as aforesaid shall be delivered to the master of the vessel or pilot of the aircraft (as the case may be) in which the animal is to be loaded, and shall be produced on demand to any inspector, constable or officer of Customs and Excise.

Notification by veterinary inspector of unfitness of animals for carriage by ship or aircraft and power to require disembarkation of unfit animals

7.—(1) Where a veterinary inspector is of opinion that any animal required to be rested under this Order or in respect of which a licence has been granted under Article 9 of this Order cannot, owing to infirmity, illness, injury, fatigue or any other cause be carried without unnecessary suffering, or that the calving, lambing or farrowing (as the case may be) of the animal during transit is reasonably probable, he may—

(*a*) place a mark upon the animal and serve a notice on the person in charge of the animal and also when practicable, on the master of the vessel or the pilot of the aircraft (as the case may be) prohibiting the carriage of the animal, and until such notice is withdrawn by an inspector, it shall be unlawful to carry the animal by sea or by air;

(*b*) in the case of an animal already loaded into a vessel or aircraft, serve a notice on the master of the vessel or the pilot of the aircraft (as the case may be) in which the animal is loaded requiring him to unload the animal from the vessel or aircraft;

(*c*) serve a notice on any person having charge of the animal, requiring him to comply with such conditions as to rest or other treatment of the animal as the inspector may specify in the notice.

(2) If any person on whom a notice issued under the provisions of this Article has been served fails to comply with any requirement of such notice, he shall be guilty of an offence against the Act.

Prohibition of Voyages during adverse weather

8. Animals which are required to be rested under this Order or in respect of which a licence has been granted under Article 9 of this Order shall not be carried on any voyage of a vessel if, in the judgment of the master of the vessel, there are reasonable grounds for anticipating that, owing to adverse weather conditions, the voyage would be attended by serious injury or suffering to, or loss of life among, the animals.

Exemption for special purposes

9.—(1) The Minister or Secretary of State may grant a licence exempting from some or all of the provisions of this Order any animal which he is satisfied—

(*a*) is a pedigree animal intended for use for breeding; or

(*b*) will travel before reaching the place at which it is to be loaded in the vessel or aircraft a distance so short that compliance with some or all of the provisions of this Order is unnecessary.

(2) An application for any licence under this Article shall be made in such manner and within such time as may be required by the Minister or Secretary of State, and any licence so granted may have attached thereto such conditions as the Minister or Secretary of State may impose for the prevention of unnecessary suffering in transit.

(3) Failure to comply with any term of a licence issued under the provisions of this Article shall be an offence against the Act.

Disinfection of approved premises

10.—(1) An inspector may give notice in writing to the person having charge of approved premises requiring the cleansing and disinfection of the whole or any part of those premises, or of any fittings, pens, hurdles, utensils or other things, or prescribing the method of disposal of dung, food or litter.

(2) When such notice shall have been given the approved premises or such part thereof as may be specified in the notice or such things as aforesaid, as the case may be, shall not be used for animals unless and until the cleansing and disinfection required by the said notice has been carried out to the satisfaction of an inspector, and dung, food or litter shall not be disposed of otherwise than in accordance with the notice.

Execution and enforcement

11. The provisions of this Order shall, except where it is otherwise expressly provided, be executed and enforced by the local authority.

Approvals or licences made under revoked orders

12. Any approval or licence of the Minister or the Secretary of State made or having effect under, any order revoked by this Order, if in force immediately before the coming into operation thereof, shall thenceforth have effect under and by virtue of this Article until altered or revoked by the Minister or the Secretary of State.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th May 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th May 1964.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order requires that any cattle, sheep or swine which are to be exported from Great Britain to any place outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, whether by sea or by air, shall be rested at premises approved by the Minister or the Secretary of State for Scotland for at least ten hours before they are loaded in the vessel or aircraft in which they are to be carried. It requires the provision of adequate and accessible food and water and shelter and bedding and limits the number of each species of animal which may be put at one time into any one pen or enclosure on approved premises.

It further provides that animals may not be loaded into any vessel or aircraft unless a veterinary inspector has certified that he has examined the animals and found them fit to be shipped and empowers an inspector appointed by the Minister or by the local authority to prohibit the carriage of any animal or to require an animal to be removed from a vessel or aircraft if it is likely to be exposed to unnecessary suffering during transit.

The carrying of animals is also prohibited when the master of a vessel anticipates adverse weather conditions during the voyage.